

700 Crossroads Building
2 State Street, Rochester, New York 14614
P 585.987.2800 F 585.454.3968

Writer's Direct Dial Number: 585.987.2811
Writer's Direct Fax Number: 585.987.2911
Email: wbauer@woodsoviatt.com



ATTORNEYS
woodsoviatt.com

1900 Main Place Tower
Buffalo, New York 14202
P 716.248.3200 F 716.854.5100

June 7, 2017

Via Federal Express

Katherine Incantalupo
Law Clerk to the Honorable Lewis A. Kaplan
United States District Court for the Southern District of New York
500 Pearl Street
New York, NY 10007-1312

**Re: Kleeberg, et al. v. Lester Eber, et al.
Civil Action No. 1:16-cv-09517-LAK**

Dear Ms. Incantalupo:

As you are aware, our office previously filed a Motion to Dismiss on behalf of Defendant, The Canandaigua National Bank and Trust Company ("CNB's"), in the above-captioned matter. The Monroe County Surrogate, Hon. John M. Owens, recently issued an Order judicially settling CNB's Final Account, a copy of which is enclosed. As a result of this Order, we intend to amend our prior Motion to address additional factual and legal issues. If the Court will permit us to do so, we expect to have the Amended Motion filed on or before June 19, 2017.

Respectfully submitted,

WOODS OVIATT GILMAN LLP

A handwritten signature in black ink, appearing to read "WGB", is written over the firm name.

William G. Bauer

WGB/eah
Enclosure

cc: Robert B. Calihan, Esq. (*via email w/o encl.*)
Paul F. Keneally, Esq. (*via email w/o encl.*)
Brian C. Brook, Esq. (*via email w/o encl.*)